

## **REMARKS**

Upon entry of the Amendment, Claims 1-5 and 11 are pending. Claim 12 has been cancelled. Claim 1 has been amended to incorporate the limitations of claim 12 and further define distinguish over Hunke US Patent No. 5, 912,980 (“the Hunke patent”). It is respectfully submitted that upon entry of the amendment and consideration of the remarks below that the application is in condition for allowance.

A Submission of Prior Art and Protest Under 37 CFR 1.291 submitting published PCT Application WO 97/12342 (“the PCT Application”) on January 24, 2007 by David Hoffman, Reg. No. 32,469. This protest was denied as being filed untimely in a paper dated Feb. 14, 2007. The PCT application claims priority and indeed has an identical specification to US patent application no. 08/536,107, filed on September 29, 1995 (“the ‘107 application”). The ‘107 application issued as US Patent No. 5,708,845 on January 13, 1998 (“the ‘845 patent”). The ‘845 patent is already of record in the instant case. The Examiner’s attention is respectfully directed to the Information Disclosure Statement by Applicant, filed on September 26, 2005 and considered by the Examiner on October 27, 2006. Accordingly, the PCT application submitted by David Hoffman is not being submitted since the US equivalent of the PCT application is already of record and has already been considered by the Examiner.

## **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1, 2, 3 and 11<sup>1</sup> has been rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan, et al., U.S. Patent No. 6,198,833 (“the Rangan et al patent”) in view of Feinleib US Patent No. 6,637,032 (“the Feinleib patent”). It is respectfully submitted that neither the Rangan, et al. patent nor the Feinleib et al patent disclose or suggest an image processing system which includes automatic compensation for changes in pixel object characteristics based upon changes

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<sup>1</sup> Page 4 of the Official Action simply indicates that Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan, et al., U.S. Patent No. 6,198,833 in view of Feinleib US Patent No. 6,637,032 . Pages 7-9 also address claims 2, 3 and 11. Therefore , the Applicant assumes the rejection applies to those claims as well.

in lighting. As mentioned above, claim 1 has been amended to include the limitations of Claim 12 and further amended to distinguish over the Hunke patent. In particular, the claims recite a system for **automatically** determining the changes in the pixel object characteristics based upon changes in lighting. The Hunke system requires manual compensation (“Each of these images consists of a manually select part of one face , containing mainly skin color”). Essentially, the system disclosed in the Hunke patent requires the pixel objects to be manually selected. The “individual target color classifier” (ITCC) is determined based upon the manually selected targets. (See Hunke et al, Col. 9, line 49 et seq. The problem with the Hunke system is that it requires manual selection of “target samples “ and the lighting compensation depends on the manually selected target samples. Such a system requires the operator to manually view the digital content on a frame by frame basis in order for the system to properly provide compensation of the pixel object , i.e. target characteristics, due to lighting changes. For all of these reasons, it is respectfully submitted that claim 1 recites patentable subject matter. For these reasons , the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 1.

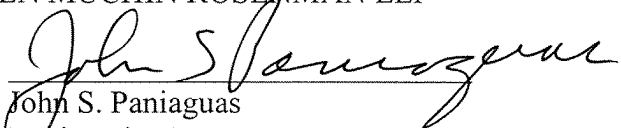
Claims 4 and 5 have been rejected under 35 USC § 103 (a) as being unpatentable over the Rangan and Feinlieb patents and further in view of Toklu US Patent No. 6,549, 643. Claims 4 and 5 are dependent upon claim 1 and therefore recite in combination the system for automatically compensating for lighting changes . The Rangan and Feinlieb patents have been discussed above. The Toklu patent does not disclose such a feature. For these reasons and the above reasons , the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 4 and 5.

Claim 12 Claims 4 and 5 have been rejected under 35 USC § 103 (a) as being unpatentable over the Rangan and Feinlieb patents and further in view of Hunke US Patent No. 5,912,980. Claim 12 has been canceled and its limitations incorporated into Claim 1. The Hunke patent is discussed above.

Respectfully submitted,

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